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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,406	01/26/2001	Abbas Bagasrawala	1	6323

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LUCENT TECHNOLOGIES INC.
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EXAMINER

COLLINS, SCOTT M

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/771,406	Applicant(s) BAGASRAWALA, ABBAS	
	Examiner Scott M. Collins	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>26 Jan 2001</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 examined.
2. It is hereby acknowledged that the following papers have been received and placed of record in the file: Information Disclosure Statement on 01/26/2001.

Drawings

3. The drawings are objected to because figure 2 is in easily erasable pencil. This drawing must be replaced with a drawing in ink or preferably a computer-made drawing. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mamros et al., U.S. Patent Number 6,360,269 B1 (herein referred to as Mamros) in view of "Heuristic Method for Grouping Based on Traffic Counts" by IBM TDB (herein referred to as TDB).

6. Referring to claim 1, Mamros has taught an apparatus for use in predicting exchanges of a specific quantity of communication traffic between network elements, said apparatus comprising a digital processor operable on a periodic basis to calculate a weighted traffic flow per usage for a given network element (Mamros figure 3, processor 303; figure 4, steps 407 and 409; and column 8, lines 35-59).

7. Mamros has not expressly disclosed a comparison mechanism. TDB has disclosed a comparison mechanism for comparing a value of said weighted traffic flow per usage with a remainder value of said specific quantity of communications traffic yet to be processed by said network element, wherein an indication is given by said network element if said remainder value is less than said weighted traffic flow (TDB paragraph 3 where multiple traffic averages are calculated and compared and action is taken as a result of this comparison.). TDB has also taught calculating a weighted traffic flow per usage for a given network element (TDB paragraph 2). Mamros' system teaches a simple method for calculating a weighted traffic flow per usage for a given network element, but at the time the invention was made, it would have been obvious

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to a person of ordinary skill in the art to utilize the methods taught by TDB in Mamros' system.

One of ordinary skill in the art would have been motivated to do this in order to gain advanced knowledge of the traffic flow of the system in relation to the remaining data to be processed and thereby alter the processing based on this advanced knowledge.

8. Referring to claim 2, Mamros has taught the apparatus wherein said digital processor waits until beginning another time period to calculate another value of said weighted traffic flow per usage to be compared with an updated remainder value (Mamros figure 4, steps 407 and 409; and column 8, lines 35-59).

9. Referring to claim 3, Mamros has taught the apparatus wherein said specific quantity of communications traffic corresponds to a quantity value associated with a security association (SA) between said network elements (Mamros column 1, line 63 – column 2, line 8; and column 8, lines 35-59).

10. Referring to claim 4, Mamros has taught the apparatus wherein said indication given from said network elements prompts renegotiation of another SA (Mamros column 5, lines 63 – column 6, line 7; and column 9, lines 57-61).

11. Referring to claim 5, Mamros has taught the apparatus wherein said SA is an Internet Protocol Security (IPSEC) SA (Mamros column 1, line 63 – column 2, line 8).

12. Referring to claim 6, Mamros has taught the apparatus wherein said apparatus is used in connection with a communications traffic monitoring application to identify randomly occurring traffic patterns (Mamros figure 4, steps 407 and 409; and column 8, lines 35-59).

13. Referring to claim 7, Mamros has taught the apparatus wherein said apparatus is used in connection with a communications network management application to monitor usage of network components (Mamros figure 4, steps 407 and 409; and column 8, lines 35-59).

14. Referring to claim 8, Mamros has taught the apparatus wherein said weighted traffic flow per usage corresponds to the average use of network element per period multiplied by the average communications traffic quantity per use (Mamros figure 4, steps 407 and 409; and column 8, lines 35-59).

15. Claims 9-16 do not recite limitations above the claimed invention set forth in claims 1-8 and are therefore rejected for the same reasons set forth in the rejection of claims 1-8 above. Specifically, claims 9-16 simply teach the method for using the apparatus of claims 1-8.

16. Referring to claim 17, Mamros has taught the method wherein at least a portion of said communications traffic flows between network elements over the public Internet (Mamros figures 1-2).

17. Claims 18-20 do not recite limitations above the claimed invention set forth in claims 1, 3, 8, and 5 and are therefore rejected for the same reasons set forth in the rejection of claims 1, 3, 8, and 5 above. Specifically, claims 18-20 simply teach the method for using the apparatus of claims 1, 3, 8, and 5.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


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|----|--------------------|--|
| a. | Boden et al. | U.S. Patent Number 6,330,562 |
| b. | Ala-Laurila et al. | U.S. Patent Number 6,587,680 |
| c. | Boden et al. | U.S. Patent Number 6,643,776 |
| d. | McCullough et al. | U.S. Patent Application Publication 2002/0010866 |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Collins whose telephone number is 703.305.7865. The examiner can normally be reached on Mon.-Thurs. 7:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703.308.5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smc
June 22, 2004


DAVID WILEY
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